

STATEMENT OF COMMON OWNERSHIP

Application Serial No. 10/523,809 and Application Serial No. 10/152,850 to  
Kawamoto et al. were, at the time the invention of Application Serial No. 10/523,809 was  
made, owned by Ricoh Company, LTD.

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 34, 36-40, 47, 49-53, 60, and 62-66 are currently pending. Claims 34, 36, 47, 49, 60, and 62 have been amended; and Claims 35, 48, and 61 have been canceled by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 47-53 were rejected under 35 U.S.C. § 101 as not falling within one of the four statutory categories of invention; Claims 34, 37-40, 47, 50-53, 60, and 63-67 were rejected under 35 U.S.C. § 102(a) or (e) as being anticipated by U.S. Patent Application Publication 2002/0196470 to Kawamoto et al. (hereinafter “the ‘470 publication”); and Claims 35-36, 48-49, and 61-62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘470 publication, further in view of U.S. Patent Application Publication No. 2002/0009145 to Natarajan (hereinafter “the ‘145 publication”).

Regarding the rejection of Claims 47-53 under 35 U.S.C. § 101, independent Claim 47 has been amended to recite an image data processing method employed in an image data processing apparatus applying a spatial filter processing to image data stored in the apparatus. Thus, under the test clarified in *In re Bilski*, the claimed method qualifies as a patent eligible process claim because it is tied to a particular machine or apparatus. Therefore, Applicants respectfully submit that the rejection of Claim 47 (and all associated dependent claims) has been rendered moot by the amendment to that claim.

Regarding the rejection of Claims 34, 47, and 60 under 35 U.S.C. § 102, those claims have been amended to include the limitations of dependent Claims 35, 48, and 61, respectively, which were rejected under 35 U.S.C. § 103. Moreover, the present application and the application corresponding to the ‘470 publication were, at the time the invention of

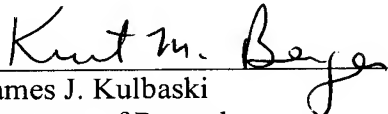
the present application was made, owned by Ricoh Company, LTD. See Statement of Common Ownership. Moreover, submitted herewith are certified English translations of Japanese Application Nos. 2002-231194, filed August, 8, 2002, and 2002-270220, filed September 17, 2002, to which the present application claims priority. Thus, since Applicant have perfected priority to at least September 17, 2002, prior to the reference date of the '470 publication, the '470 publication qualifies as prior art only under 35 U.S.C. § 102(e). Accordingly, under 35 U.S.C. § 103 (c), the '470 publication cannot be used in a rejection under 35 U.S.C. § 103 against the claims in the present application. See MPEP § 706.02(l)(2). Accordingly, Applicants request that the rejection of the claims as being unpatentable over the '470 publication and the '145 publication be withdrawn.

Thus, it is respectfully submitted that independent Claims 34, 47, and 60 (and all associated dependent claims) patentably define over the cited references.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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